

911 Revenue Standards

Adopted by
The Tennessee Emergency Communications Board

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INTRODUCTION

The Tennessee Emergency Communications Board (TECB), or State 911 Board) was created by the Tennessee General Assembly "...for the purpose of assisting emergency communications district boards of directors in the area of management, operations, and accountability, and establishing emergency communications for all citizens of the state..." (*Tennessee Code Annotated (T.C.A.)* § 7-86-302).

T.C.A. §7-86-306(9) directs the State 911 Board to "...establish operating standards concerning acceptable uses of revenue for emergency communications districts and periodically review and revise these standards..."

REQUIRED USES OF 911 REVENUE

The following items are required functions and uses of revenue of an Emergency Communications District (ECD). These items must be expended before an ECD may consider spending revenue on any permissible expenditure.

1. **Lease, purchase, or maintenance of existing enhanced emergency (911 service) telephone equipment [Automatic Number Identification (ANI), and Automatic Location Identification (ALI)], including necessary computer hardware, software, and database provisioning for existing PSAP(s) in an Emergency Communications District.**
2. **The rates associated with the service suppliers' enhanced emergency (911 service) telephone system network services (ANI and ALI) for existing PSAP(s) in an Emergency Communications District.**
3. **Expenditures for the lease, purchase, modification, or upgrade of systems and devices required to provide wireless enhanced 911 service.**
4. **Costs of an annual audit, pursuant to Tennessee Code Annotated § 7-86-113.**

7-86-113. - Audits.

- (a) *The board of directors of each district shall cause an annual audit to be made of the books and records of the district. Within thirty (30) days after receipt by the district, a copy of the annual audit shall be filed with the clerk or recorder of the appropriate county or municipality who shall then distribute copies to members of the appropriate legislative body. Within thirty (30) days after receipt by the district, a copy of the annual audit shall also be filed with the chief administrative officer of the appropriate county or municipality. The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audits are prepared in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller of the treasury. The comptroller of the treasury shall promulgate such rules and regulations as are required to assure that the books and records are kept in accordance with generally accepted accounting procedures and that audit standards prescribed by the comptroller of the treasury are met.*
- (b) *These audits shall be prepared by certified public accountants, public accountants or by the department of audit. In the event the governing body of the district shall fail or refuse to have the audit prepared, then the comptroller of the treasury may appoint a certified public accountant, or public accountant or direct the department of audit to prepare the audit, the cost of such audit to be paid by the district.*
- (c) *The comptroller of the treasury is authorized to modify the requirements for an audit as set out herein for any districts whose activity, in the comptroller of the treasury's judgment, is not sufficient to justify the expenses of a complete audit. Furthermore, the comptroller of the treasury is authorized to direct the department of audit to make an audit of financial review of the books and records of districts.*

5. Premiums on surety bonds, pursuant to T.C.A. § 7-86-119.

7-86-119. Surety bond.

- (a) Any board member, executive committee member, employee officer, or any other authorized person of an emergency communications district, who receives public funds, has authority to make expenditures from public funds, or has access to any public funds is hereby required to give bond made payable to the state of Tennessee with such sureties as hereinafter provided. Such bond is to be conditioned in all cases in which a different condition is not prescribed, upon the faithful discharge of the duties of such office, employment or other authorized activity in which such person is engaged during the time such person continues therein, or in the discharge of any part of such duties.
- (b) Such official bond shall be executed in the same form as that prescribed by § 8-19-101, for county and state officials and employees.
- (c) (1) The amount of such required bond shall be a reasonable amount as determined by the amount of public funds received, expended, or the amount of such bond shall be reasonable to protect the public from breach of the condition of faithful discharge of the duties of such office or position, when the amount of public funds to be received, or expended, or to which that person will have access is considered.
- (2) Effective July 1, 1994, the minimum amount of such required bond shall be determined from the amount of revenues handled by the respective emergency communications district during the last audit approved by the comptroller of the treasury. The minimum amount of the bond shall be based on revenues as follows:
 - (A) Less than fifty thousand dollars (\$50,000) - a base bond of five thousand dollars (\$5,000).
 - (B) From fifty thousand dollars (\$50,000) to five hundred thousand dollars (\$500,000) - an amount equal to ten percent (10%) of the revenues handled by the district.
 - (C) Five percent (5%) of the excess of five hundred thousand dollars (\$500,000) to one million dollars (\$1,000,000) shall be added.
 - (D) Three percent (3%) of the excess of one million dollars (\$1,000,000) to three million dollars (\$3,000,000) shall be added.
 - (E) Two percent (2%) of the excess of three million dollars (\$3,000,000) shall be added.
 - (F) The amounts indicated in subdivisions (2)(A)-(E) shall be cumulative.
- (d) All such official bonds shall be signed by authorized individuals of a corporate surety, and such corporation shall be duly licensed to do business in the state of Tennessee as a surety.
- (e) The official bonds required under this section are hereby required to be transmitted to the comptroller of the treasury, to be filed in the comptroller of the treasury's office, and be receipted for by the comptroller of the treasury.
- (f) Provisions for bonds of all state and county officers set forth in title 8, chapter 19, shall also govern the bonds of all persons covered under this section, so far as the provisions of title 8, chapter 19, are not inconsistent with the provisions of this section.
- (g) The respective emergency communications district shall pay the premiums for such bonds.

6. Public meeting notices or legal notices for compliance with the Open Meetings Act (T.C.A. Title 8, Chapter 44, et seq.)

8-44-101. Policy - Construction.

- (a) *The general assembly hereby declares it to be the policy of this state that the formation of public policy and decisions is public business and shall not be conducted in secret.*
- (b) *This part shall not be construed to limit any of the rights and privileges contained in article I, § 19 of the Constitution of Tennessee.*

8-44-102. Open meetings - "Governing body" defined - "Meeting" defined.

- (a) *All meetings of any governing body are declared to be public meetings open to the public at all times, except as provided by the Constitution of Tennessee.*
- (b) (1) *"Governing body" means:*
 - (A) *The members of any public body which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public body on policy or administration and also means a community action agency which administers community action programs under the provisions of 42 U.S.C. § 2790 [repealed]. Any governing body so defined by this section shall remain so defined, notwithstanding the fact that such governing body may have designated itself as a negotiation committee for collective bargaining purposes, and strategy sessions of a governing body under such circumstances shall be open to the public at all times;*
 - (B) *The board of directors of any nonprofit corporation which contracts with a state agency to receive community grant funds in consideration for rendering specified services to the public; provided, that community grant funds comprise at least thirty percent (30%) of the total annual income of such corporation. Except such meetings of the board of directors of such nonprofit corporation that are called solely to discuss matters involving confidential doctor-patient relationships, personnel matters or matters required to be kept confidential by federal or state law or by federal or state regulation shall not be covered under the provisions of this chapter, and no other matter shall be discussed at such meetings;*
 - (C) *The board of directors of any not-for-profit corporation authorized by the laws of Tennessee to act for the benefit or on behalf of any one (1) or more of counties, cities, towns and local governments pursuant to the provisions of title 7, chapter 54 or 58. The provisions of this subdivision (b)(1)(C) shall not apply to any county with a metropolitan form of government and having a population of four hundred thousand (400,000) or more according to the 1980 federal census or any subsequent federal census;*
 - (D) *The board of directors of any nonprofit corporation which through contract or otherwise provides a metropolitan form of government having a population in excess of five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census with heat, steam or incineration of refuse;*
 - (E) (i) *The board of directors of any association or nonprofit corporation authorized by the laws of Tennessee that:*
 - (a) *Was established for the benefit of local government officials or counties, cities, towns or other local governments or as a municipal bond financing pool;*
 - (b) *Receives dues, service fees or any other income from local government officials or such local governments that constitute at least thirty percent (30%) of its total annual income; and*

- (c) Was authorized as of January 1, 1998, under state law to obtain coverage for its employees in the Tennessee consolidated retirement system.
- (ii) The provisions of this subdivision (b)(1)(E) shall not be construed to require the disclosure of a trade secret or proprietary information held or used by an association or nonprofit corporation to which this chapter applies. In the event a trade secret or proprietary information is required to be discussed in an open meeting, the association or nonprofit corporation may conduct an executive session to discuss such trade secret or proprietary information; provided, that a notice of the executive session is included in the agenda for such meeting.
- (iii) As used in this subdivision (b)(1)(E):
 - (a) "Proprietary information" means rating information, plans, or proposals; actuarial information; specifications for specific services provided; and any other similar commercial or financial information used in making or deliberating toward a decision by employees, agents or the board of directors of such association or corporation; and which if known to a person or entity outside the association or corporation would give such person or entity an advantage or an opportunity to gain an advantage over the association or corporation when providing or bidding to provide the same or similar services to local governments; and
 - (b) "Trade secret" means the whole or any portion or phrase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. The trier of fact may infer a trade secret to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes;
- (2) "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program.
- (c) Nothing in this section shall be construed as to require a chance meeting of two (2) or more members of a public body to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this part.

8-44-103. Notice of public meetings.

- (a) Notice of Regular Meetings. Any such governmental body which holds a meeting previously scheduled by statute, ordinance, or resolution shall give adequate public notice of such meeting.
- (b) Notice of Special Meetings. Any such governmental body which holds a meeting not previously scheduled by statute, ordinance, or resolution, or for which notice is not already provided by law, shall give adequate public notice of such meeting.
- (c) The notice requirements of this part are in addition to, and not in substitution of, any other notice required by law.

8-44-104. Minutes recorded and open to public - Secret votes prohibited.

- (a) The minutes of a meeting of any such governmental body shall be promptly and fully recorded, shall be open to public inspection, and shall include, but not be limited to, a record of persons present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in the event of roll call.

- (b) *All votes of any such governmental body shall be by public vote or public ballot or public roll call. No secret votes, or secret ballots, or secret roll calls shall be allowed. As used in this chapter, "public vote" means a vote in which the "aye" faction vocally expresses its will in unison and in which the "nay" faction, subsequently, vocally expresses its will in unison.*

8-44-105. Action nullified - Exception.

Any action taken at a meeting in violation of this part shall be void and of no effect; provided, that this nullification of actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned.

8-44-108. Participation by electronic or other means.

- (a) *As used in this section, unless the context otherwise requires:*
- (1) *"Governing body" refers only to boards, agencies and commissions of state government; and*
 - (2) *"Meeting" has the same definition as that found in the Public Meetings Act, compiled in § 8-44-102.*
- (b) *Members of any governing body, upon a declaration of necessity, may participate in a regular or special meeting by, or conduct the meeting through, the use of any means of communication, electronic or otherwise, by which all members participating may simultaneously hear each other and speak to each other during the meeting. A member participating in a meeting by this means is deemed to be present in person at the meeting for purposes of quorum requirements and voting, but not for purposes of determining per diem eligibility.*
- (c) *No governing body is required to allow participation by electronic or other means of communication. Any meeting held pursuant to the terms of this section shall conform to the requirements of the Open Meetings Act, compiled in this part, and shall not circumvent the spirit or requirements of that law.*
- (d) *If electronic or other means of communication are to be used at a public meeting, notices required by the Open Meetings Act or any other notice required by law shall state that the meeting will be conducted with some persons participating by electronic or other means of communication. The governing body shall make a determination that the matters to be considered by the body at that meeting require timely action by the body, that physical presence by all members is not possible within the period of time requiring action, and that participation by some members by electronic or other means of communication is, therefore, necessary.*
- (e) *Any member not physically present at the meeting shall be provided, before the meeting, with any documents that will be discussed at the meeting, with substantially the same content as those documents actually presented.*

PERMISSIBLE USES OF 911 REVENUE

The following items may be expended by an Emergency Communications District (ECD), regardless of the source of revenue. These items do not represent required expenditures of 911 revenue, but rather, represent permissible uses of 911 revenue, provided that an ECD has the budgetary resources and that such expenditures fit within the district's system plan. The order of the items on this list does not constitute any priority that should be given to the items.

1. **Lease, purchase, or maintenance of additional enhanced emergency (911 service) telephone equipment [Automatic Number Identification (ANI), and Automatic Location Identification (ALI)], including necessary computer hardware, software, and database provisioning for additional PSAPs in an Emergency Communications District.**
2. **The rates associated with the service suppliers' enhanced emergency (911 service) telephone system network services (ANI and ALI) for additional PSAPs in an Emergency Communications District.**
3. **Back-up power and service for existing and additional PSAPs in an Emergency Communications District.**
4. **Office supplies and equipment of an Emergency Communications District.**
5. **The actual costs incurred of salaries of employees, experts, and consultants hired by the Board of Directors of an Emergency Communications District, pursuant to T.C.A. § 7-86-105(g) and (h). Provided, however, that no member of the Board of Directors of an Emergency Communications District shall be an employee of the Emergency Communications District [T.C.A. § 7-86-105(i)].**

7-86-105. Creation - Board of directors.

- (g) The board has the authority to employ such employees, experts and consultants as it may deem necessary to assist the board in the discharge of its responsibilities to the extent that funds are made available.*
- (h) The board has the authority to establish or make available for the benefit and welfare of its employees such pension, insurance or other employee benefit plans as it may deem appropriate, including participation in the Tennessee consolidated retirement system in accordance with the provisions of title 8, chapter 35, part 2.*
- (i) No member of the board of directors shall be an employee of the emergency communications district.*

6. **Utilities and repair costs directly related to the implementation and maintenance of 911 service.**

7. Cost of leasing or purchasing, or payments of debt service on any bonds or notes issued pursuant to T.C.A. § 7-86-114 and § 7-86-121 for leasing or purchasing, a facility or service for the use by or for an Emergency Communications District.

7-86-114. Bond issues.

- (a) *Subject to the approval of the legislative body of a county or municipality wherein a district is established, each district has the power and is hereby authorized from time to time to issue its negotiable bonds, notes and debt obligations for lease and/or lease purchases in anticipation of the collection of revenues for the purpose of constructing, acquiring, reconstructing, improving, bettering or expanding any facility or service authorized by this part, or any combination thereof, and to pledge to the payment of the principal of and interest on such bonds, notes or debt obligations all or any part of the revenues derived from the operation of such facility, service or combination thereof. There may be included in the costs for which bonds or notes are to be issued, reasonable allowances for legal, engineering and fiscal services, interest during construction and for six (6) months after the estimated date of completion of construction, and other preliminary expenses, including the expenses of incorporation of the district.*
- (b) *No bond, note or debt obligation authorized herein may be issued until the resolution authorizing the issuance of the bonds, notes or debt obligations, together with a statement, shall show in detail the total outstanding bonds, notes, warrants, refunding bonds, and other evidences of indebtedness of the district, together with the maturity dates thereof, interest rates, special provisions for payment, the project to be funded by the bonds, notes or debt obligation, the current operating financial statement of the district and any other pertinent financial information, is submitted to the state director of local finance for review, and the state director of local finance may report thereon to the district within fifteen (15) days from the date the plan was received by the state director of local finance, and the state director of local finance shall immediately acknowledge receipt in writing of the proposed issue statement and information. The report thus received by the district shall be published once in a newspaper of general circulation in the county of the principal office of the district, during the week following its receipt. After receiving the report of the state director of local finance, and after publication of such report, or after the expiration of fifteen (15) days from the date the statement and information are received by the state director of local finance, whichever date is earlier, the district may take such action with reference to the proposed issue as it deems advisable. Such report of the state director of local finance shall also be made a part of the bond, note or debt obligation transcript.*
- (c) *The bonds may be issued in one (1) or more series, may bear such date or dates, shall mature at such time or times, not exceeding forty (40) years from their respective dates, may bear interest at such rate or rates payable semi-annually, may be in such denomination, may be in such form, either coupon or registered, may be payable at such place or places, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption, with or without premium, all as may be provided by resolution of the legislative body of the county. The bonds shall be fully negotiable for all purposes.*
- (d) *If any issue of such bonds or notes is to be sold to an agency of the federal government or an agency of the state of Tennessee, such bond or note issue may at the request of such agency be delivered as an installment bond or note payable as to*

principal and interest in equal or approximately equal installments for the term of such bond or note issue in accordance with the resolution authorizing such bond or note issue. Such authorizing resolution shall stipulate the annual principal and interest requirements during the full term of the bond or note issue.

- (e) Nothing herein shall prohibit or limit the authority of the board of directors from entering into leases or lease purchases, so long as the term thereof does not exceed five (5) years, and no other approvals thereof shall be required.*
- (f) Notes may be issued in the same manner as bonds but shall mature at such time or times, not exceeding five (5) years.*
- (g) (1) The lease/lease purchase agreements authorized under this section shall be issued in the manner prescribed by chapter 51, part 9 of this title. For the purposes of applying chapter 51, part 9 of this title, the district board of directors is deemed to be the governing body except that, all lease/lease purchase agreements exceeding five (5) years shall be subject to the approval of the appropriate county or municipal governing body.*
 - (2) For the purposes of this section, in the provisions of §§ 7-86-115, 7-86-116 and 7-86-117, "bond" or "bonds" are deemed to include notes.*
 - (3) For the purposes of this section, in the provisions of §§ 7-86-116 and 7-86-117, "bond" or "bonds" includes debt obligations for lease/lease purchases.*

7-86-121. Sale of bonds or notes - Revenue.

- (a) Bonds and/or notes issued pursuant to the provisions of this part may be sold at either public sale or private negotiated sale.*
- (b) All revenues including any debt obligation issued for the purpose of a lease/lease purchase must be expended according to the provisions of the "County Purchasing Law of 1983," compiled in title 5, chapter 14, part 2. For the purposes of applying title 5, chapter 14, part 2, the district board of directors is deemed to be the governing body.*

- 8. Addressing, mapping, master street address guides and location related equipment and operational costs required to provide 911 service. The involvement of Emergency Communications Districts in the addressing activities is complementary to the responsibilities of local governments.**
- 9. Public education on the implementation and use of 911 service.**
- 10. Insurance.**
- 11. Interest income may be used for operating and capital expenditures of an Emergency Communications District, provided that such expenditures constitute permissible uses of 911 revenue established by the Tennessee Emergency Communications Board.**
- 12. Board meeting expenses.**
- 13. Employee uniforms and shirts that may include the "logo" or name of the Emergency Communications District.**
- 14. Pagers, cell phones, and other personal communication devices for the exclusive use by an Emergency Communications District.**

15. **Licenses and fees.**
16. **Lawsuit settlement expenses.**
17. **Dues and memberships to professional organizations for employees and board members of an Emergency Communications District. Dues and membership to Chamber of Commerce for the Emergency Communication District.**
18. **Costs for which bonds and notes are issued, including legal, engineering, fiscal services, and interest during construction and for six months after the estimated date of completion of construction, pursuant to T.C.A. § 7-86-114(a).**
7-86-114. Bond issues.
(a) Subject to the approval of the legislative body of a county or municipality wherein a district is established, each district has the power and is hereby authorized from time to time to issue its negotiable bonds, notes and debt obligations for lease and/or lease purchases in anticipation of the collection of revenues for the purpose of constructing, acquiring, reconstructing, improving, bettering or expanding any facility or service authorized by this part, or any combination thereof, and to pledge to the payment of the principal of and interest on such bonds, notes or debt obligations all or any part of the revenues derived from the operation of such facility, service or combination thereof. There may be included in the costs for which bonds or notes are to be issued, reasonable allowances for legal, engineering and fiscal services, interest during construction and for six (6) months after the estimated date of completion of construction, and other preliminary expenses, including the expenses of incorporation of the district.
19. **Travel expenses, pursuant to T.C.A. § 7-86-125.**
7-86-125. Comprehensive travel regulations for district officers and employees.
(a) The board of directors of each district shall adopt comprehensive travel regulations applicable to all officers and employees of the district. The minimum regulations shall be the same as those of the appropriate county or municipality which created the district. Nothing herein shall prohibit a district from adopting a more stringent policy. However, the district may establish a mileage allowance for travel up to, but not in excess of, the business standard mileage rate established by the Internal Revenue Code.
(b) If the appropriate county or municipality does not have comprehensive travel regulations as described in subsection (a), the board shall adopt travel regulations. Such regulations shall determine how expenses will be reimbursed and what expenses are reimbursable. A copy of such travel regulations shall be open for public inspection and kept on file in the district office.
20. **Service recognition awards to members of the Board of Directors of an Emergency Communications District, employees of an Emergency Communications District, and members of the public.**

21. **If and only if an Emergency Communications District is providing law enforcement dispatch services, pursuant to an interlocal agreement between the ECD and a law enforcement services provider, and pursuant to T.C.A. Title 12, Chapter 9, Part 1, expenditures for NCIC/TBI/TIES and associated costs are permissible.**

12-9-101. Short title.

This chapter may be cited as the "Interlocal Cooperation Act."

12-9-102. Purpose.

It is the purpose of this chapter to permit local governmental units the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

12-9-103. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Public agency" means:

(A) Any political subdivision of this state;

(B) Any private incorporated fire department and industrial fire department not supported by public funds or which are only partially supported by public funds;

(C) Any incorporated rescue squad that is not supported by public funds or that is only partially supported by public funds;

(D) Any agency of the state government or of the United States; and

(E) Any political subdivision of another state; and

(2) "State" means a state of the United States.

12-9-104. Interlocal agreements.

(a) (1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state, including those provided in § 6-54-307, may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency. The authority for joint or cooperative action of political subdivisions shall apply to powers, privileges or authority vested in, funded by, and/or under the control of their governing bodies and relative to which the governing bodies may make other types of contracts. No joint or cooperative agreement shall be entered into affecting or relating to the constitutional or statutory powers, privileges or authority of officers of political subdivisions, or of agencies of political subdivisions with a separate governing board and having powers granted by statute independent of the governing body. Notwithstanding any provision of the law to the contrary, any municipality may enter into an agreement with the sheriff, court of general sessions, and the governing body of any county in which it is located to provide for the enforcement of the municipality's ordinances according to the provisions of §§ 8-8-201(34) and 16-15-501. The agreement between the municipality and the county governing body shall be limited to provide that the cost of such enforcement will be borne by the municipality where the court costs paid over to the county, as provided by § 16-15-501, are not adequate.

- (2) Agencies of political subdivisions that have governing boards separate from the governing bodies of the political subdivisions may make agreements for joint or cooperative action with other such agencies and with other public agencies. The power to make joint or cooperative agreements includes any power, privilege or authority exercised or that may be exercised by each of the agencies that is a party to the agreement. Agreements between agencies of political subdivisions that have separate governing boards and other such agencies and agreements between such agencies and public agencies shall substantially conform to the requirements of this chapter. The governing bodies of such political subdivisions shall require agreements made by their agencies pursuant to this chapter to be submitted to the governing body for approval before the agreements take effect.
- (b) Any two (2) or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter. Appropriate action of the governing bodies of the participating public agencies by resolution or otherwise pursuant to law shall be necessary before any such agreement may enter into force.
- (c) Any such agreement shall specify the following:
- (1) Its duration;
 - (2) The precise organization, composition and nature of any separate legal or administrative entity or entities created thereby, which may include, but is not limited to, a corporation not for profit, together with the powers delegated to such a corporation;
 - (3) Its purpose or purposes;
 - (4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget for such undertaking;
 - (5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and
 - (6) Any other necessary and proper matters.
- (d) In the event that the agreement does not establish a separate legal entity or entities to conduct the joint or cooperative undertaking, the agreement shall, in addition to the requirements of subdivisions (c)(1)-(6), contain the following:
- (1) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented; and
 - (2) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.
- (e) (1) No agreement made pursuant to this chapter shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity or entities created by an agreement made hereunder, those performances may be offered in satisfaction of the obligation or responsibility.
- (2) (A) Notwithstanding the provisions of title 9, chapter 21, including § 9-21-105(14)(B) and § 9-21-107 to the contrary, a separate legal or administrative entity, created by interlocal agreement between two (2) or more political subdivisions of the state acting pursuant to this chapter, is not empowered to:
- (i) Assess, levy, or collect ad valorem taxes;
 - (ii) Issue general obligation bonds; or
 - (iii) Exercise the power of eminent domain.

(B) However, to the extent that the participating political subdivisions possess such powers, the political subdivisions may exercise such powers on behalf and for the benefit of the separate legal or administrative entity.

(f) Financing of joint projects by agreement shall be as provided by law.

12-9-105. Status of agreements - Parties to actions.

In the event that an agreement entered into pursuant to this chapter is between or among one (1) or more public agencies of this state and one (1) or more public agencies of another state or of the United States, the agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

12-9-106. Approval or disapproval.

In the event that an agreement made pursuant to this chapter shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by such state officer or agency as to all matters within such officer's or agency's jurisdiction.

12-9-107. Appropriations - Furnishing of property, personnel and service.

Any public agency entering into an agreement pursuant to this chapter may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

12-9-108. Interlocal contracts for performance of services.

Any one (1) or more public agencies may contract with any one (1) or more public agencies to perform any governmental service, activity or undertaking which each public agency entering into the contract is authorized by law to perform; provided, that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties. Contracts entered into pursuant to this section need not conform to the requirements set forth in this chapter for contracts for joint undertakings.

12-9-109. Contracts under other laws unaffected.

Nothing in this chapter shall prohibit any public agency from contracting with other public agencies under the provisions of existing statutory or charter authority.

- 22. Contracts with Private Agencies to run ECD Operations, to the extent that the law allows and provided that oversight, accountability, and liability are retained by an Emergency Communications District concerning the level and quality of 911 service and the financial integrity of the Emergency Communications District.**
- 23. Responder and dispatch surveys.**

24. **Facility Relocation Expenses of an Emergency Communications District.**
25. **Training Expenses.**
26. **Cost of dispatcher or telecommunicator or call taker salaries and benefits, as provided for in an interlocal agreement pursuant to T.C.A. Title 12, Chapter 9, Part 1.**
27. **If an Emergency Communications District is providing impact payments (pursuant to an interlocal agreement), such payments shall be based on true cost recovery, justified, and represent permissible uses of 911 revenue.**
28. **Capital costs for communications equipment and location equipment used by appropriate emergency service units or agencies that respond to 911 calls.**
29. **Vending Machines. Provided, however, that all proceeds from vending operations shall be deposited to the Emergency Communications District's official bank account in the same manner as all other receipts. All disbursements related to vending operations shall be paid by official check of the Emergency Communications District in the same manner as all other disbursements. The machines shall be operated on at least a break-even basis. Provided further that, in all cases involving vending facilities, the Tennessee Department of Human Services (DHS) shall be contacted to determine requirements for compliance with T.C.A. § 71-4-501, et seq., and any other applicable state or federal laws.**

71-4-501. Legislative intent - Construction.

It is the intent of the general assembly to grant to blind individuals a priority in the establishment and operation of vending facilities on public property in this state. To that end, this part shall be liberally construed to give the blind individuals who are eligible for such priority the greatest possible opportunities to operate such vending facilities so that they may become self-supporting.

71-4-502. Definitions.

As used in this part, unless the context otherwise requires:

- (1) "Blind individual" means any person who meets the requirements for services through the business enterprise program for the blind under part 4 of this chapter and who has been trained and licensed by the department to operate a vending facility under the program's requirements;*
- (2) "Department" means the department of human services or its successor which has been designated under the Randolph-Sheppard Act (20 U.S.C. §§ 107-107f) as the state licensing agency;*
- (3) "Priority" means the right of the department to establish on any public property a vending facility to be operated by a blind individual. This priority means that when the department has surveyed a public property and determined that such property is suitable for the location of a vending facility, it shall have the right of first refusal and the exclusive right to the operation of any and all vending facilities on any public property which it determines are capable of being operated by a blind individual which it licenses, or by an individual who may be operating the facility as a temporary manager until a licensed blind individual can assume the operation of the vending facility. Except as provided in subdivision (4) and §§ 71-4-504, 71-4-505, and 71-4-506, the priority shall apply to all existing, altered, or new buildings, facilities, or*

grounds. This priority shall be exercised exclusively by the department in its sole discretion on behalf of legally blind individuals who are qualified and licensed as vending facility managers by the department and who are deemed capable of providing the type of service required by the management of the public property;

- (4) "Public property" means all property owned or leased by: the state of Tennessee, any county, municipality, or any other entity which is created by act of the general assembly to perform any public function; provided, that primary and secondary schools, and entities created under title 42, and their operations, are specially excluded from this definition; and provided further, that institutions that are governed by the University of Tennessee system or the state university and community college system and their operations are also specifically excluded from this definition except that the vending facilities presently in operation at such institutions on April 29, 1996, shall continue to operate at their present locations or, if necessary, at a location comparable in terms of potential patronage, with the priority established by this part. Moreover, the existing priority shall extend to any new structures on any of the campuses governed by the University of Tennessee or the state university and community college system and the priority shall also extend to the establishment of at least one (1) vending facility on any new campus which is developed either by the University of Tennessee system or the state university and community college system; and
- (5) "Vending facility" means a location or structure or space which may sell foods, beverages, confections, newspapers, periodicals, tobacco products, and other articles and services which are dispensed automatically by a machine or manually by sales personnel or attendants and which may be prepared on or off the premises in accordance with applicable health laws. A "vending facility" may consist, exclusively or in appropriate combination as determined by the department, of automatic vending machines, cafeterias, snack bars, catering services, food concession vehicles, cart services, shelters, counters, and any appropriate equipment necessary for the sale of articles or services described above. A "vending facility" may encompass more than one (1) building on a public property.

71-4-503. Vending facilities on public property - Priority - Establishment.

- (a) Whenever any new buildings or other facilities are to be constructed by the state or on any other public property or when any existing contracts expire or are changed in any way, the department shall be notified and it shall promptly make an investigation and survey of the public property to determine if, in its judgment, the location is suitable for one (1) or more vending facilities. If, in the department's judgment, the location is suitable for a vending facility, the department may exercise its priority to establish such a vending facility.
- (b) If the department exercises the priority under this part, it shall have the right to establish such a vending facility, and it shall provide the necessary alterations, plumbing and electrical services, the necessary equipment, merchandise, a licensed or temporary manager, and the appropriate supervision of the manager. The public property management shall cooperate with the department in whatever manner necessary in order for it to carry out the provisions of this part. The space for the vending facilities and utilities shall be provided at no cost; provided, that the cost of telephone service shall not be the responsibility of the public property management. In cafeteria operations, the licensed or temporary manager may be required to pay a percentage of sales to the public property management in accordance with agreements negotiated between the department and the public property management.

71-4-504. Vending machines in lieu of on-site manager.

- (a) If, after conducting a survey, the department determines that there is not sufficient population to support an on-site manager but the public property management desires vending machine services, the department shall have the right to place vending machines on the property and to make the necessary arrangements to ensure that vending machine services are provided and that the vending machines are properly maintained.
- (b) The income generated from the vending machines placed under the provisions of this section shall accrue to the unassigned funds held by the department for its blind vendors.

71-4-505. Cafeterias.

- (a) The priority established by this part applies to cafeterias, as defined by the department, as limited by this section.
- (b) If a new cafeteria is to be constructed on a public property and/or any existing cafeteria contracts on public properties expire, the department shall receive notification pursuant to § 71-4-503 and shall be afforded the opportunity to submit a proposal for the operation of the proposed cafeteria. If the department's proposal, when considered with all other proposals, is found to be competitive in terms of quality of service, pricing of merchandise, and the rate of commission and/or the rental to be paid, then a priority shall be granted to the department and the cafeteria operation shall be awarded to the department. The department's proposal will not be considered competitive if its proposed payment of annual commissions and/or rental fees is not within two percent (2%) of that submitted by an organization which would otherwise be awarded the cafeteria operation. Nothing in this section shall be construed to allow the property management to take any action regarding an existing facility to defeat an already existing priority.
- (c) If the department's proposal is rejected and there is disagreement as to whether the department's proposal is competitive, the dispute shall be resolved in accordance with the provisions of § 71-4-507.

71-4-506. Effect of part.

Nothing in this part shall supersede any cooperative agreements which are in effect between the department and public property management on July 1, 1994, regarding the current operation of vending facilities on public properties, nor shall anything in this part preclude the department from entering into future agreements which may be less restrictive than the provisions of this part if, in the department's judgment, such agreements are in the best interest of the program.

71-4-507. Dispute resolution.

- (a) Except as stated in subsection (b), if a dispute arises between the management of public property and the department concerning any matter contained in this part, then either party may file a complaint setting forth the dispute with the secretary of state. Within ten (10) days of the filing of the complaint, the secretary of state shall appoint an administrative law judge from the administrative procedures division of the secretary of state's office who shall set an administrative hearing to be held under the provisions of the Uniform Administrative Procedure Act, compiled in title 4, chapter 5, part 3, within thirty (30) days of the appointment, unless for good cause shown a later time is deemed necessary. Notwithstanding other provisions of the law to the contrary, the secretary of state or the secretary of state's designee has the

authority to render a final order following entry of an initial order by the administrative law judge. Such order shall be appealable as provided by § 4-5-322.

- (b) The secretary of state shall be without jurisdiction to hear any complaint concerning the qualifications or status of a licensed or temporary manager who is operating under a license or agreement of the department, and shall be without jurisdiction to hear or establish any damage award for or against any person, any officer or employee of the state, or any public property's governing body or its officers or employees.*
- (c) The case may be heard and decided entirely upon stipulations and briefs of all parties without the presentation of oral or other written evidence, it being the intent of the general assembly to allow for an early resolution to the disputes arising under this part.*

71-4-508. Administrative review or evidentiary hearing.

- (a) The department has exclusive jurisdiction to provide an opportunity for an administrative review or evidentiary hearing to a blind individual under this part who is dissatisfied with any action arising from the operation or administration of the vending facility program.*
- (b) The aggrieved blind individual licensed by the department shall submit a written request to the director of services for the blind for an administrative review or a full evidentiary hearing pursuant to the rules and regulations promulgated by the department which shall be provided by the department to the blind individual. If the blind individual is dissatisfied with any action taken or decision rendered as a result of such hearing, that individual may file a complaint with the United States secretary of education for an arbitration hearing as provided by federal law and regulations.*
- (c) Nothing in this part shall be construed as a waiver of the state's sovereign immunity under the Eleventh Amendment of the Constitution of the United States or under the Constitution of Tennessee.*

71-4-509. Proceeds set aside for blind vendors.

- (a) After considering the recommendation from the committee of blind vendors, the department shall set aside or cause to be set aside a percentage of the net proceeds of the vending facilities in a reasonable amount not to exceed fifteen percent (15%) of their net income and pursuant to a schedule approved by the United States secretary of education. Such funds shall be expended on behalf of blind vendors only for purposes specified by regulations promulgated in accordance with the Randolph-Sheppard Act, 20 U.S.C. §§ 107-107f.*
- (b) All funds set aside pursuant to subsection (a) and funds in the account for unassigned funds established for the blind vendors program, and all other revenue, except funds appropriated by the state or matching federal funds, shall be invested by the state treasurer pursuant to § 9-4-603, for the benefit of those funds.*

- 30. Capital costs for emergency notification systems (e.g., reverse 9-1-1, etc.) used to perform broadcasts of public warnings issued by various government agencies. Emergency Communications Districts that are not financially distressed and have completed all necessary equipment upgrades and purchases for E-911 Phase I and II data retrieval may use their revenue for the purchase or enhancement of emergency notification systems. An ECD may also participate in federal grant programs to advance coverage of NOAA Weather Radio in unserved rural areas provided that any ECD funds used toward this effort are completely recovered through the grant.**

31. **Emergency Communications Districts may use their revenues toward the purchase of NOAA Weather Radios, weather radar, and other civil emergency and weather warning products for installation in a 911 call center to be used for alerting 911 personnel of impending dangers and warnings issued by various government agencies.**

PROHIBITED USES OF 911 REVENUE

The following items represent expenditures that are prohibited, regardless of the source of revenue or the budgetary resources of an Emergency Communications District. This list is not all inclusive.

1. **Capital costs or operational costs for emergency response equipment or emergency response personnel which respond after the 911 call is dispatched, transferred, or relayed [(as defined in T.C.A. § 7-86-103(10)).**

§ 7-86-103 (Definitions):

- (5) *“Direct dispatch method” means a 911 service in which a public service answering point, upon receipt of a telephone request for emergency services, provides for the dispatch of appropriate emergency service units and a decision as to the proper action to be taken.*
- (15) *“Transfer method” means a 911 service in which a public safety answering point, upon receipt of a telephone request for emergency services, directly transfers such request to an appropriate public safety agency or other provider of emergency services.*
- (11) *“Relay method” means a 911 service in which a public safety answering point, upon receipt of a telephone request for emergency services, notes the pertinent information from the caller and relays such information to the appropriate public safety agency or other agencies or other providers of emergency service for dispatch of an emergency unit.*

2. **Purchase or lease of emergency response vehicles, law enforcement vehicles, vehicles for public safety emergency services providers [(as defined in T.C.A. § 7-86-103(10)), other political subdivision vehicles, and any other vehicles not designated for exclusive use for or by an Emergency Communications District.**

T.C.A. § 7-86-103 (Definitions):

- (10) *“Public safety emergency services provider” means any municipality or county government that provides emergency services to the public. Such providers and/or services include, but are not limited to, emergency fire protection, law enforcement, police protection, emergency medical services, poison control, animal control, suicide prevention, and emergency rescue management.*

3. **Costs of purchasing, installation, and maintenance for public or private road signs, posts, or any other markers related to addressing.**
4. **Gifts and Flowers.**
5. **Entertainment expenses.**
6. **Civic Club Dues.**
7. **Cost of purchasing, installation, and maintenance of outdoor warning sirens.**